

Panaji, 26th September, 1996 (Asvina 4, 1918)

SERIES I No. 26

OFFICIAL GAZETTE

GOVERNMENT OF GOA



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Department of Civil Supplies

Notification

11/17-10/93-CSD

The following Notifications issued by the Ministry of Petroleum and Natural Gas, New Delhi, are hereby re-published for general information of the public.

F. O. D'Costa, Under Secretary (Civil Supplies).

Panaji, 24th November, 1995.

MINISTRY OF PETROLEUM AND NATURAL GAS

Notification

New Delhi, the 19th June, 1995

G. S. R. 509 (E) - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Kerosene (Restriction on Use and Fixation of Ceiling Price), Order, 1993, namely:

1. (1) This Order may be called the Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993,—

(i) after clause 7 and the entries relating thereto, the following clause and the entries shall be inserted, namely,

“7A Assessment and Certification/Rating of parallel marketeers,—

(1) (a) No parallel marketeer, shall commence any activity such as import, transport, marketing, distribution,

sale or any activity incidental thereto, relating to the business of kerosene without obtaining a rating certificate on the basis of evaluation and rating for his capability, infrastructure network and readiness to carry out professed business and deliver goods and services promised, by an agency listed in Schedule-A to this Order:

Provided that a parallel marketeer who commences any such activity, before the commencement of this Order, shall within three months, get himself evaluated and rated by the said agency.

(b) The rating certificate shall be issued in the format as prescribed in Schedule B to this Order and as per the forwarding letter given in Schedule C.

(c) The rating certificate shall,—

(i) be valid for a period of one year from the date of its issue, and

(ii) require renewal by the rating agency, annually.

(2) Every parallel marketeer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, distribution or sale of kerosene, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him and prominently publish the rating certificate, as given by the rating agency.

(3) There shall be paid, in respect of every application, to a rating agency,—

(i) for the rating certificate awarded to the parallel marketeer, a fee at the rate of 0.05 percent of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs, and

(ii) for the renewal of the rating certificate by the parallel marketeer, a fee of one tenth of that required to be paid for such a certificate.

(4) The agency listed for the purpose of evaluation shall on payment of the fee by the parallel marketeer, evaluate every parallel marketeer whose case is either referred to it or who approaches it on the basis of inter-alia, the parameters indicated and the information to be provided by such parallel marketeer in the proforma as given in Schedule - D to this Order and such other information as called for by the rating agency.

(5) Every parallel marketeer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Coordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and the Collector of the District in which he imports, transports, markets, distributes or sells kerosene. All letterheads or communications of parallel marketeer shall have the following description of rating:

- (i) Name of the rating agency,
- (ii) Rating awarded to him, and
- (iii) Date of issue.

(6) No parallel marketeer shall either give incomplete, incorrect, misleading or vague information in the newspaper, handout, pamphlet, leaflet, advertisement etc. or submit such information to the rating agency".

(ii) after clause 12 and the entries relating thereto, the following Schedules and the entries shall be added, namely:-

SCHEDULE - A

[Clause 7A (1) (a)]

Name and address of agencies for evaluation/rating of parallel marketeer.

Name	Address
1. CRISIL (The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd Floor, 254 B, Annie Besant Road, Worli, Bombay - 400025
2. CARE (Credit Analysis & Research Ltd.)	RBC, Mahindra Towers, 5th Floor, Road No. 13, Worli Bombay - 400018
3. MDRA (Marketing & Development Research Associates).	Secular House, 9/1 Institutional area, Opp. JNU, New Delhi 67
4. ICRA (Investment Information Credit Rating Agency of India Ltd.).	Kailash Building, 4th Floor, 26, Kasturba Gandhi Marg, New Delhi 1

SCHEDULE - B

[See clause 7A (1) (b) of Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993].

Rating Certificate for parallel marketeer

Date of Issue:-

Name of the Firm/Company:

Registered Office Address:

Name of Promoter/Chairman/Managing Director:

Activities:

Particulars of Bankers:

Overall Rating

Rating Scale:

- 1. Good.
- 2. Satisfactory.
- 3. Low Risk.
- 4. High Risk.

Signature and Seal of the Rating Agency

SCHEDULE - C

[See Clause 7A (1) (i)]

Forwarding Letter for Certificate of rating to whomsoever it may concern

This is to certify that we have made an evaluation of M/s. _____ for the purpose of issuing a certificate and a rating to them in accordance with the provisions of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993.

We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of issuing this certificate. This certificate issued by us is as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability infrastructure, network and readiness to carry out professed business, deliver goods and services promised by the parallel marketeer. We are satisfied that the information and particulars received and collected by us are sufficient enough to enable us to evaluate M/s. _____ for providing the rating as prescribed.

M/s. _____ are awarded _____ rating.

Salient facts about M/s. _____ are as follows:-

- 1. Total investment planned.
- 2. Total investment made upto date.
- 3. Promoter's equity.
- 4. Area of operation.
- 5. Proposed/likely date of commissioning.

** Name of the parallel marketeer to be indicated.

(Signature and Seal of the Rating Agency)

SCHEDULE - D

[See Clause 7A (4) and (6)]

Proforma of Information to be submitted by parallel marketeer for evaluation/rating by the Rating Agency.

Parameters	Details*
1. Market Standing of the Company:	
A. Constitution of the firm.	
B. Registered Office.	
C. Locations & Addresses of Existing Business	

Parameters	Details*	Parameters	Details*
D. Names of Promoters/Directors/Partners.		C. Plant & equipment/technological details.	
E. Background and full antecedents of Promoters/Directors/Partners.		D. Details of manpower and the arrangement to handle the product.	
F. Networth of Promoters/Directors/Partners.		E. Details of designs & standards to be followed for construction & operation of these facilities.	
G. Current Activity.		F. Status of approvals for the facilities.	
H. Details of existing operations of the parallel marketeer and/or his group of companies.		G. Whether kerosene storage facility conforms to code regulations/conditions of storage licence.	
I. Audited A/cs for three years of the promoter /firm and group concerns with details of promoters constitution.		4. Arrangements planned to reach the product to consumption centres/markets:	
J. Working capital requirement for new business pertaining to parallel marketing with resume of proposed scheme.		A. Details of distributor network planned/already appointed.	
K. Implementation record of typical projects already undertaken in terms of cost, time, nature of projects and technology involved.		B. Details of the basis for distributors appointment.	
L. Business plans and projected cash flows.		C. Details of showroom/sales room/office & godown planned/ existing alongwith status of approvals.	
M. Sourcing of funds for existing and proposed Business.		D. Details of manpower to be deployed at upcountry/near consumption centres for kerosene.	
N. Performance of parallel marketeer in his other group companies for last three years with income tax clearance certificate.		E. Details of storage planned at upcountry/near the consumption centre for kerosene.	
2. Marketing plans for kerosene:		F. Details of distribution arrangement between the distributors godown and the customers.	
2.1 Infrastructure for kerosene sourcing/handling.		5. Product familiarity and training:	
A. Import locations identified.		A. Operational knowledge of product (kerosene) and its handling.	
B. Proposed size of import parcels.		B. The capability and preparedness to meet safety requirement in kerosene.	
C. Status of approvals (Ports/Statutory/State Government/Chief Controller of Explosives/Environment/Milestone achieved with squared network/ local authorities).		C. Plans for training the staff and the customers on safe handling of equipment/product.	
D. Status of progress.		D. Recruitment policy and standards for the staff.	
E. Details of technological tie ups, if any.		E. Familiarity with Kerosene Control Orders, Explosives Rules and other applicable local acts.	
F. Business proposals/Project feasibility report financial details and financial risk analysis.		6. Marketing Discipline & Guidelines proposed to be adopted:	
2.2 Commercial arrangements and/or consortium for Kerosene (if own facilities are not planned):		A. Code of conduct for distributors/transporter and delivery men.	
A. Any tie up arrangement finalised with importer.		B. System to monitor & control adulteration & unauthorised diversion of products.	
B. The supporting agreement/documents for such tie up.		7. Organisation in place/proposed for the parallel marketing of kerosene:	
C. The quantum of product to be imported with minimum guarantee.		A. Details of organisation structure.	
D. Details of storage & handling of product at the import location/ tie up agreement.		B. Level of managerial involvement of the promoter.	
E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise.		C. Source of financing the kerosene parallel marketing including the infrastructure.	
3. Storage & distribution arrangement for kerosene planned:		D. Any other relevant details which the parallel marketeer would like to provide.	
A. Details of storage facilities of depots with their capacities		8. Financial commitment:	
B. Status of progress on items mentioned above.		A. Total estimated project cost.	
		B. Planned (phase-wise) resource mobilisation.	

(i) after SCHEDULE-B and the entries relating thereto, the following Schedules and the entries shall be added namely:-

SCHEDULE - C

[Clause 10 A (1) (a)]

Name and address of agencies for evaluation/rating of parallel marketeer

Name	Address
1. CRISIL (The Credit Rating Information Services of India Ltd.).	Nirlon House, 2nd Floor, 254 B, Annie Besant Road, Worli, Bombay - 400025
2. CARE (Credit Analysis & Research Ltd.).	RBC, Mahindra Towers, 5th Floor, Road No. 13, Worli Bombay - 400018
3. MDRA (Marketing & Development Research Associates).	Secular House, 9/1 Institutional area, Opp. JNU, New Delhi - 67
4. ICRA (Investment Information Credit Rating Agency of India Ltd.).	Kailash Building, 4th Floor, 26, Kasturba Gandhi Marg, New Delhi 1.

SCHEDULE - D

[See Clause 10A (1)(b)]

[LPG (Regulation & Supply and Distribution) Order, 1993]

Rating Certificate for parallel marketeer

Date of Issue _____

Name of the Firm/Company:

Registered Office Address:

Name of the Promoter/Chairman/Managing Director:

Activities:

Particulars of Bankers:

Overall Rating _____

Rating Scale:

1. Good.
2. Satisfactory.
3. Low Risk
4. High Risk

(Signature and Seal of the Rating Agency)

SCHEDULE - E

[See Clause 10 A (1)(b)]

Forwarding Letter for Certificate of rating

To whomsoever it may concern

This is to certify that we have made an evaluation of M/s. _____ for the purpose of issuing a certificate and a rating to them in accordance with

the provisions of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1993.

We have obtained all the information and explanation which to the best of our knowledge and belief were necessary for the purpose of issuing this certificate. This certificate issued by us as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability, infrastructure network, and readiness to carry out professed business, deliver goods and services promised by the parallel marketeer. We are satisfied that the information and particulars received and collected by us are sufficient enough to enable us to evaluate M/s. _____ ** _____ are awarded providing the rating as prescribed. M/s. _____ ** _____ are awarded _____ rating.

Salient facts about M/s. _____ are as follows:-

1. Total investment planned.
2. Total investment made upto date.
3. Promoters equity.
4. Proposed/likely date of commissioning.

** Name of the parallel marketeer to be indicated.

(Signature and Seal of the Rating Agency)

SCHEDULE - F

[See Clause 10 A(4) and (6)]

Proforma of information to be submitted by parallel marketeer for evaluation/rating by the Rating Agency.

Parameters	Details*
1. Market Standing of the Company.	
A. Constitution of the firm.	
B. Registered Office.	
C. Locations & addresses of existing business.	
D. Name of Promoters/Directors/Partners.	
E. Background and full antecedents of Promoters/Directors/Partners.	
F. Networth of Promoters/Directors/Partners.	
G. Details of existing operations of the parallel marketeer and/or his group of companies.	
I. Audited A/cs for three years of the promoter firm and group concerns with details of promoters constitution.	
J. Working capital requirement for new business pertaining to parallel marketing with resume of proposed scheme.	
K. Implementation record of typical projects already undertaken in terms of cost, time, nature of projected and technology involved.	
L. Business plans and projects cash flows.	

Parameters	Details*	Parameters	Details*
M. Sourcing of funds for existing and proposed business.		D. Details of distribution arrangement between the distributors godown and the customers.	
N. Performance of parallel marketeer in his other group companies for last three years with income tax clearance certificate.		5. Product familiarity and training:	
2. Marketing Plans for Liquefied Petroleum Gas;		A. Operational knowledge of product (Liquefied Petroleum Gas) and its handling.	
2.1 Infrastructure for Liquefied Petroleum Gas; Sourcing/Handling:		B. The capability and preparedness to meet the safety requirement in Liquefied Petroleum Gas.	
A. Import locations identified.		C. Plans for training the staff and the customers on safe handling of equipment/product.	
B. Proposed size of import parcels.		D. Recruitment policy and standards for the staff.	
C. Status of approvals (Ports/Statutory/State Government/Chief Controller of Explosives/Environment/Milestone achieved with squared net-work-local authorities).		E. Familiarity with Gas Control Orders, Explosives Rules and other applicable local acts.	
D. Status of progress:		6. Marketing discipline and guidelines proposed to be adopted:	
E. Details of technological tie ups, if any.		A. Code of conduct for distributors and delivery men.	
F. Business Proposals/Project Feasibility report financial details and financial risk analysis.		B. System to monitor and control adulteration & unauthorised diversion of products.	
2.2 Commercial arrangements and/or consortium for Liquefied Petroleum Gas (if own facilities are not planned):-		7. Organisation in place/proposed for the parallel marketing of Liquefied Petroleum Gas:	
A. Any tie up arrangement finalised with importer.		A. Details of organisation structure.	
B. The supporting agreements/documents for such tie up.		B. Level of managerial involvement of the promoter.	
C. The quantum of product to be imported with minimum guarantee.		C. Source of financing the Liquefied Petroleum gas parallel marketing including the infrastructure.	
D. Details of storage and handling of product at the import location/tie up agreement.		D. Any other relevant details which the parallel marketeer would like to provide.	
E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise.		8. Financial commitment:	
3. Storage & distribution arrangement for Liquefied Petroleum Gas planned:		A. Total estimated project cost.	
A. Details of storage facilities of depots/bottling plants with their capacities.		B. Planned (phase-wise) resource mobilisation.	
B. Status of progress on items mentioned above.		C. Resources arranged and investment made as of date.	
C. Plant & equipment/technological details.		D. Proof of A, B and C above.	
D. Details of manpower and the arrangement to handle the product.		* Extra Sheets may be used, if required.	
E. Details of designs & standards to be followed for construction & operation of these facilities.		Date: Signature:	
F. Status of approvals for the facilities.		M/s. (Parallel Marketeer) Address:	
G. Details of arrangement for procurement of cylinders/valves/ regulators.			
H. Whether the bottling plants are as per safety standards Oil Industry Safety Directorate 144/169.			
4. Arrangements planned to reach the product to consumption centres/markets:			
A. Details of distributor network planned/already appointed.			
B. Details of the basis for distributors appointment.			
C. Details of showroom/sales room/office & godown planned/ existing alongwith status of approvals.			

Note:- The Principal Order was published in the Gazette of India vide number GSR 529 (E) dated 3-8-1993 and subsequently amended vide number GSR 6 (E) dated 6-1-1994.

(File No. P-45011/2/95-MKT)

DEVI DAYAL, Jt. Secy.